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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,836	02/27/2002	Jerry Brett Earnest	WELL0020	1745
22862	7590	07/07/2006	EXAMINER	
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			KINDRED, ALFORD W	
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,836

Applicant(s)

EARNEST, JERRY BRETT

Examiner

Alford W. Kindred

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Reconsideration, filed on 4/18/06.
This action is made final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollitt, US# 2003/0069803 A1, in view of Brandenburg et al., US# 2005/0043060 A1.

As per claims 1 and 11, Pollitt teaches "storing the plurality of parameter values; responsive to receiving a new information content" (see paragraph [0006] and [0059]-[0064]) "comparing the parameter value representing the received information content . . . indicating that the received information content is identical to a stored information content if the corresponding parameters values are equal" (see paragraph [0062]-[0064]). Pollitt does not explicitly teach et al. teaches "calculating a plurality of parameter values by applying an algorithm that calculates each of a plurality of stored information contents to a predetermined precision, each parametric value representing one of the plurality of stored information contents . . . calculating a parametric value representing the received information content." Brandenburg et al. teaches "calculating a plurality of parameter values by applying an algorithm that calculates each of a

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plurality of stored information contents to a predetermined precision, each parametric value representing one of the plurality of stored information contents . . . calculating a parametric value representing the received information content” (see paragraph [0299], [0672] and [0724]). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Brandenburg and Pollitt above, because using the steps of “calculating a plurality of parameter values by applying an algorithm that calculates each of a plurality of stored information contents to a predetermined precision, each parametric value representing one of the plurality of stored information contents . . . calculating a parametric value representing the received information content” would have given those skilled in the art the tools to use specific algorithms in conjunction with the comparing of stored data. This gives users the advantage of identifying similar data in a more efficient and faster manner.

As per claim 2, Pollitt et al. teaches “wherein the plurality of information contents include electronic mails” (see paragraph [0039]).

As per claim 3, Pollitt et al. teaches “information content is received through a global communication network” (see paragraph [0002]).

As per claim 4, Pollitt teaches “the global communications network includes the Internet” (see paragraph [0036]).

As per claim 5, Pollitt teaches “wherein each parameter is determined based on an order and a value of each character in the corresponding information content” (see paragraph [0058]-[0060]).

As per claims 6-9, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-5 and are similarly rejected.

As per claim 10, Pollitt teaches "ASCII value" (see paragraph [0109]-[0110] whereas Pollitt's values includes ASCII code or text).

As per claims 12-14, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1, and 3-4.

Response to Arguments

4. Applicant's arguments filed 4/18/06 have been fully considered but they are not persuasive.

--As per applicant's arguments regarding "Brandenberg discloses a pre-defined set of computational similarity factors . . . uses a Euclidean proximity relationship between geographic location . . . these computational similarity factors are not each one unique number of arbitrary length representing the content." First examiner does not find the language (i.e. "unique number of arbitrary length . . .") in applicant's independent claim language and therefore the weight given to the argument will be limited. Second, examiner maintains that Pollitt combined with Brandenberg's computational similarity factors, read on applicant's claim language of applying an algorithm that calculates stored information content. Whereas Brandenberg's Euclidean proximity relationship element is considered an algorithm that calculates values as illustrated in applicant's claim language.

--As per applicant's arguments regarding "nowhere in Brandenburg it is disclosed or suggested calculating a plurality or parameter values by applying to a predetermined precision, an algorithm to each of a plurality of stored information content . . . calculate a new parametric value." Examiner disagrees and maintains that Brandenburg's teachings involving Euclidean proximity relationship element includes a computational similarity factor for content comparison, whereas the content is pre-loaded (i.e. stored) combined with the searching for content that is close to a ratings history element (i.e. algorithm to the received new information content . . .) is synonymous to applicant's teachings above.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 571-272-4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alford W. Kindred
Patent Examiner
Tech Ctr. 2100